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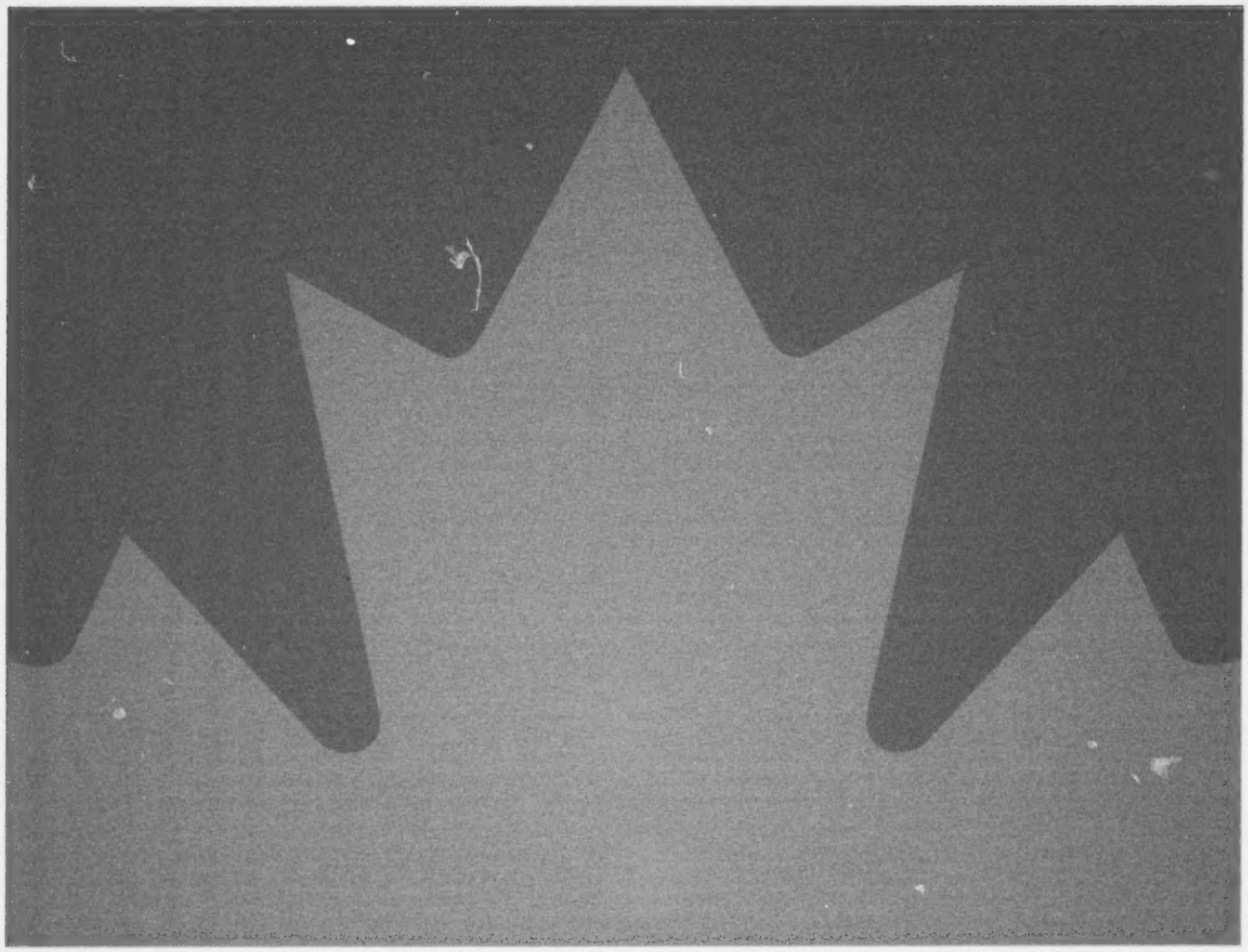

CANADA'S NATIONAL REPORT

Third Universal Periodic Review

Canada

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Canada's Third Report under the Universal Periodic Review

Part I – Introduction

1. Governments across Canada continue to implement measures to enhance the promotion and protection of human rights, domestically and internationally, through a strong framework of laws, programs, policies and institutions.

2. Canada championed the establishment of the Universal Periodic Review (UPR) and has deeply valued the international community's constructive engagement through the first two cycles.

Part II – Methodology and engagement

3. The report was prepared collaboratively by federal, provincial and territorial (FPT) governments.

4. This report provides examples of measures adopted by governments to address some of the issues raised during Canada's second UPR. Annex 1 outlines the recommendations Canada received in 2013 and should be read in conjunction with the report.

5. Over 280 Indigenous and civil society organizations were consulted on a draft outline of this report. Canada shared a draft of the report with organizations and Canada's National Human Rights Institution. A summary of their comments is attached as Annex 2.

Part III – Promotion and protection of human rights

6. Respect for the *Canadian Charter of Rights and Freedoms* (Charter) is a critical aspect of governing and legislating in Canada. In 2016, the use of "Charter Statements" was introduced by the Government of Canada to inform the review of proposed bills by Parliament for consistency with the Charter.

7. The Government has engaged in a litigation strategy review to end appeals and positions not consistent with the Charter, its commitments or Canadian values. For example, it withdrew its appeal in *Canada v. Ishaq*, a Charter challenge to the requirement to remove a niqab at citizenship ceremonies.

8. In February 2017, the Government of Canada re-established a renewed, modernized, and expanded Court Challenges Program to provide financial support for the litigation of test cases to clarify/assert certain constitutional and quasi-constitutional official language rights and human rights in Canada.

1) Rights of Indigenous Peoples

9. Indigenous peoples in Canada face many challenges, including greater rates of poverty and food insecurity, a higher likelihood to experience poor housing conditions, lower education outcomes, greater health disparities, lower employment rates, a greater risk of being victimized by crime and overrepresentation in the criminal justice system.

10. Governments are addressing these issues through policies, programs and legislative reform. While progress is being made, they also recognize that they must continue to address existing gaps and that these efforts must be based on the recognition of rights, respect, cooperation and partnership with Indigenous Peoples.

Reconciliation and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

11. The Government of Canada is committed to achieving reconciliation through a renewed, nation-to-nation, Inuit-Crown and government-to-government, relationship with First Nations, Inuit, and Métis peoples in Canada, based on recognition of rights as the foundation for accelerating and facilitating the implementation of rights. Indigenous Peoples have a special constitutional relationship with the Crown. This relationship, including existing Aboriginal and treaty rights, is recognized and affirmed in section 35 of Canada's *Constitution Act, 1982*.

12. As part of the federal government's commitment to a renewed nation-to-nation relationship with Indigenous Peoples and its commitment to implement the Calls to Action of the Truth and Reconciliation Commission of Canada (TRC), Canada announced its full support of the UNDRIP on May 10, 2016.

13. FPT governments are undertaking initiatives to ensure that Indigenous Peoples are involved in a meaningful way in decision-making and policy development related to Indigenous rights and interests, with many of the initiatives using the UNDRIP and the TRC Calls to Action as a framework.

14. The Government of Canada established Permanent Bilateral Mechanisms with First Nations, Inuit and Métis Nations, which provide a forum to co-develop policy on shared priorities and monitor progress going forward.

15. Since February 2017, a Working Group of Federal Ministers (WG) is reviewing federal laws, policies and operational practices relating to Indigenous Peoples to ensure that the Crown is meeting its constitutional obligations with respect to Aboriginal and treaty rights, adhering to international human rights standards, including the UNDRIP, and supporting the implementation of the TRC's Calls to Action. The WG is engaging with Indigenous leaders, youth, and experts on legal and policy questions relating to Indigenous Peoples.

16. On July 14, 2017, the Government of Canada released the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, which are based on the recognition of Indigenous Peoples, governments, laws, and rights, including the right to self-determination and the inherent right of self-government. The Principles address the importance of the free, prior and informed consent of Indigenous Peoples in both domestic and international law.

17. The federal government has also announced its support for Bill C-262, which proposes the implementation of the UNDRIP through legislation and aims to ensure consistency between domestic law and the UNDRIP. Bill C-262 builds on other measures Canada has taken to implement the UNDRIP.

18. On August 28, 2017, it was announced that two departments will replace the existing Department of Indigenous and Northern Affairs. A Department of Crown-Indigenous Relations and Northern

Affairs will guide the transformative work to renew the relationship with Indigenous Peoples; accelerate self-government and self-determination agreements based on new policies, laws and operational practices; and develop a framework to advance a long-term recognition of rights approach. A Department of Indigenous Services will continue to improve services delivered to First Nations, Inuit and Métis people and ensure a consistent, high quality, and distinctions-based approach to the delivery of those services. Over time, appropriate programs and services will be increasingly delivered not by the Government of Canada, but by Indigenous Peoples, as they move to self-government.

19. On February 14, 2018, the Prime Minister announced that a Recognition and Implementation of Indigenous Rights Framework will be developed – in full partnership with First Nations, Inuit, and Métis Peoples. The Framework will ensure that the Government of Canada respects the constitutionally protected rights of Indigenous Peoples and provides policies and mechanisms for Indigenous Peoples to exercise their rights. The intention is to have the Framework implemented before October 2019.

20. Provincial and territorial (PT) governments are taking action in relation to the UNDRIP and reconciliation. For example:

- The Government of Alberta undertook a review of existing policies, programs and legislation within the context of the principles and objectives set out in the UNDRIP and the TRC's Calls to Action, resulting in 20 initiatives tied to UNDRIP. Alberta is engaging Indigenous communities and organizations on a number of these initiatives.

- In January 2017, the Yukon government issued a statement of enduring priorities, under which the Government affirms the spirit and intent of final self-government agreements to provide benefits through reconciliation and nation-building.

- Manitoba's *The Path to Reconciliation Act* (March 2016) requires the development of a reconciliation strategy. Key components include engaging with Indigenous Nations and Peoples, creating a reconciliation framework with immediate and long term actions, and establishing transparent monitoring and evaluation mechanisms.

- The Government of Newfoundland and Labrador remains committed to reconciliation through the negotiation of land claims and self-government agreements, devolution of provincial programs and services to Indigenous entities, discharging any applicable duty of consultation, and making programs and services more culturally appropriate.

21. In February 2018, the Government of Canada introduced changes to the environmental assessment and regulatory review process (Bill C-69) that provide for the engagement of Indigenous Peoples early in the planning phase of any natural resource project to which the legislation will apply, improved engagement between the Crown and Indigenous Peoples aiming to secure their free, prior and informed consent, enhancing overall process transparency and participation opportunities, incorporating Indigenous Knowledge along with other evidence sources, and consideration of impacts on Indigenous Peoples in the assessment process. Bill C-69 also includes provisions to enter into agreements or arrangements with an Indigenous governing body regarding its role in the administration of the *Impact Assessment Act*. The current

Parliamentary review of the Bill will include opportunities for Indigenous Peoples and Canadians, generally, to provide feedback during this process and through associated regulatory or policy changes.

Truth and Reconciliation Commission of Canada

22. The TRC, part of the *Indian Residential Schools Settlement Agreement*, began to carry out its five year mandate in 2009. The TRC released its final report on December 15, 2015, which included 94 Calls to Action (CTAs) directed at multiple parties, including the Government of Canada, provincial and territorial governments, Churches, and other public and private sector organizations.

23. Progress has been made on implementing over two-thirds of the Calls to Action under federal or shared responsibility. Canada has made investments to better support the wellbeing of children and families on reserve, improve the quality of education for First Nations children, and urgently address housing needs on reserve. A National Council for Reconciliation (as per CTA 53) is being established and will serve as an independent oversight body to hold Canada accountable for making further progress on implementing the TRC Calls to Action, decolonization and reconciliation.

24. PT governments are also implementing the Calls to Action that relate to their areas of responsibility:

- Through the Council of Ministers of Education, Canada, governments are collaborating and implementing the Indigenous Education Action Plan. Many have incorporated or are in the process of incorporating information in their school curricula on issues such as the history and legacy of residential schools, treaties and Indigenous Peoples' historical and contemporary contributions to Canada.

- In *The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples*, the Government of Ontario is creating a culturally relevant and responsive justice system, and introducing mandatory Indigenous cultural competency training for public service employees on the effects of colonization, including the impact of residential schools, and racist attitudes, stereotypes and implicit biases that contribute to low socio-economic and health indicators across Indigenous populations.

- The Government of the Northwest Territories is making it easier for people to reclaim names changed through the residential school system, including the ability to use single names on identity documents, such as birth certificates and health care cards, in line with traditional Indigenous culture.

- The Government of Yukon and Yukon First Nations committed to a collaborative approach to advance reconciliation by signing a Declaration titled *Working Together*. Many of the joint priorities identified relate to themes common to the TRC Calls to Action, such as health, justice, education and heritage.

- Through their Partnership Agreement, the governments of Canada, Prince Edward Island and the Mi'kmaq Confederacy established a Policy and Planning Forum that works collaboratively on practical and mutually agreed subject matters, such as education, health, child and family services, justice and economic development.

- The Government of Québec has launched the *Plan d'action gouvernemental pour le développement social et culturel des Premières Nations et des Inuits (2017-2022)*, which aims to contribute positively in a spirit of reconciliation to the healing process, as part of the nation-to-nation relationship that the Government of Québec wants to continue building with Inuit and First Nations.

First Nations Child and Family Services and Jordan's Principle

25. In January 2016, the Canadian Human Rights Tribunal found that the federal government discriminated against First Nations children by not funding welfare services on reserves at the same level as services elsewhere. The Tribunal ordered the federal government to cease its discriminatory practices and to reform the First Nations Child and Family Services Program.

26. In the same order, the Tribunal also called on the Government to fully implement Jordan's Principle, a child-first principle that ensures that all First Nations children can access the health, educational, and social supports and services that they need without undue delay or disruption. The federal government is implementing all of the Tribunal's orders, including to address any outstanding funding gaps.

27. In July 2016, the Government of Canada announced new funding to support the implementation of Jordan's principle. This is a three-year initiative that offers funding to:

    - external organizations to help families navigate existing programs in order to address identified gaps in service;
    - approve requests to meet service gaps identified for health, social, and educational needs;
    - collect and analyze service and financial data; and
    - ensure adequate human resource capacity to implement components of the interim approach.

28. Canada is also working in partnership with First Nations, in particular the Assembly of First Nations, to co-develop long term policy options for Jordan's Principle and is engaging with stakeholders to seek their views regarding access to the services and supports they need.

29. The federal government is seeking ideas and support from First Nations and PT partners to move forward. On January 25 and 26, 2018, the Minister of Indigenous Services convened a two-day meeting on Indigenous Child and Family Services. The meeting included Indigenous leaders, PT Ministers, community technicians, youth representatives, experts and advocates and its purpose was to identify shared priorities and a path forward in reforming Indigenous child and family services (with distinctions based approaches) to put the needs of children first.

Safe drinking water

30. The Government of Canada adopted an action plan to address the issue of safe drinking water in Indigenous communities and to eliminate by March 2021 all long-term drinking water advisories affecting public water systems financially supported by the Government of Canada. Between November 2015 and July 2017, 40 of these advisories have been lifted. However, 26 long-term drinking water advisories were added during that same period.

31. Progress continues to be made. The Government of Canada is working with First Nations communities, including First Nations technical advisors and leaders, to support sustainable community-led approaches to ensure that on-reserve water systems meet established standards and future population growth.

Mental health and suicide prevention

32. The Government of Canada's mental wellness investments are guided by the First Nations Mental Wellness Continuum Framework and the *National Inuit Suicide Prevention Strategy* (NISPS). They underscore the importance of implementing programs and services that reflect the priorities, needs, and strengths of communities, as identified by community health planning.

33. In 2016, the Government of Canada announced additional funding to meet the immediate mental wellness needs of First Nations and Inuit; to support their enhanced access to Mental Wellness Teams; implement the NISPS; and establish the First Nations and Inuit Hope for Wellness Help Line.

34. Additional commitments in 2017 will further expand access to mental health professionals including traditional healers and increase support for youth suicide prevention through an emphasis on youth engagement.

Indigenous languages

35. The Government of Canada is committed to enacting an Indigenous Languages Act, co-developed with Indigenous Peoples, to ensure the preservation, revitalization and promotion of First Nations, Inuit, and Métis languages. In addition, new investments support the digitization of Indigenous language and cultural materials and the development of an Indigenous Oral Testimonies Project to preserve oral histories and create interactive educational materials.

36. PT governments support the revitalization of Indigenous languages through educational initiatives. For example:

    - The Government of Alberta supports the University of Alberta Canadian Indigenous Languages and Literacy Development Institute for Indigenous language instructors that teach at-risk languages.

    - The Government of Manitoba is developing a distance learning Aboriginal Language course – Ojibwe: A Course for Independent Study – with additional courses to follow.

- The Government of Ontario's Native Languages program is aimed at the development of Indigenous language skills for students wishing to learn Cayuga, Cree, Lenape (Delaware), Mohawk, Ojibwe, Oji-Cree and Oneida.

- New Brunswick provides online access to high school level Mi'kmaq and Wolastoqiyik language curricula, which provide Indigenous students in the public system an opportunity to learn their language of heritage as a second language.

2) Advancing gender equality and women's empowerment

37. The Government of Canada renewed its commitment to gender equality, appointed the first full cabinet Minister responsible for the status of women, and a gender equal federal Cabinet.

38. Governments have adopted a number of programs and measures that seek to further address the persistent inequalities experienced by women and girls in Canada.

39. Gender-based analysis (GBA+) considers the differential impacts of policies, programs, services and initiatives on diverse groups of women, men, and gender-diverse people. The federal GBA Action Plan 2016-2020 sets out actions to implement GBA+ across federal departments and agencies. GBA+ and similar processes have been adopted by the governments of Prince Edward Island, New Brunswick, Alberta, Manitoba, Ontario and Québec.

40. Québec's *Government Strategy for the Equality of Women and Men for 2021* is based on six themes:

    - Egalitarian socialization and education, free of sexual stereotypes and sexism;
    - Economic empowerment of women;
    - Equitable distribution of family responsibilities and better balance of professional, family, student, social and political life;
    - An approach to health and well-being that is differentiated by gender;
    - A society without gender-based violence; and
    - Parity in decision-making positions.

41. The Government of Northwest Territories' policy *Equality of Men and Women in the Northwest Territories* provides direction to all departments and public agencies with responsibilities affecting the equality of women and men as identified in international instruments on the elimination of discrimination against women.

Gender-based violence

42. Governments have adopted a multi-faceted approach to address gender-based violence including legislation, strategies, victim supports, prevention, and awareness campaigns.

43. *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence* (GBV) is based on three pillars: prevention; support for survivors and their families; and promotion of responsive

legal and justice systems. A GBV Knowledge Center will coordinate initiatives across the federal government, enhance data collection and research on GBV, and strengthen coordination and knowledge sharing across jurisdictions and sectors. It will also fill gaps in support for diverse populations, including: women and girls, Indigenous people, lesbian, gay, trans, bisexual, queer, two-spirited (LGBTQ2) and gender non-binary people, those living in northern rural and remote communities, people with disabilities, newcomers, children and youth, and seniors.

44. The Government of Québec's 2016-2021 *Strategy to Prevent and Counteract Sexual Violence* targets two problems: sexual assault and sexual exploitation. It comprises three interdependent, complementary themes:

- Prevent;
- Intervene with respect to the psychosocial, medical, legal, police and correctional dimensions; and
- Develop knowledge and share expertise to act more effectively.

The actions in the Strategy take into consideration that certain groups in the population are more vulnerable to such violence; for example, persons with disabilities, Indigenous Peoples, refugees, immigrants or members of the ethnocultural minorities, seniors, prostitutes, and lesbian, gay, bisexual and trans individuals (LGBT).

45. Nova Scotia's *Sexual Violence Strategy* supports better delivery of prevention and support services, increased education, and the creation of community networks. It specifically references marginalized populations, including African Nova Scotians, First Nations and the LGBTQ community.

46. Newfoundland and Labrador's *Working Together for Violence-Free Communities: An Action Plan for the Prevention of Violence in Newfoundland and Labrador 2015-2019*, sets out four strategic priorities:

- Increasing Public Awareness and Positively Changing Attitudes and Behaviours Towards Violence and Abuse;
- Addressing Violence Against Indigenous Women and Children;
- Increasing Participation and Leadership: Engaging and Mobilizing Communities; and
- Strengthening Research, Policies, Programs and Services.

The Action Plan targets women, children and youth, Indigenous women and children, older persons, persons with disabilities, persons of varying race or ethnicity, LGBT persons, and persons of varying economic status.

Family violence

47. Government strategies take a multi-sectoral approach to prevention and responding to family violence. Initiatives are aimed at vulnerable populations, including Indigenous women and girls,

youth, seniors, persons with disabilities, immigrant and refugee women, and the LGBTQ2 community.

48. The Government of Canada's Family Violence Initiative supports shelter development and improvement, community-based projects, enhanced criminal justice response, and sharing of knowledge and tools.

49. Examples of PT initiatives include:

- Ontario's *Domestic Violence Action Plan* sets out an approach to:
  - Provide community supports for victims;
  - Support training of front-line workers and professionals ;
  - Promote public education and prevention;
  - Identify women and children at risk and intervene earlier; and
  - Improve criminal and family justice systems.
- British Columbia Provincial's Office of Domestic Violence works to ensure domestic violence initiatives are effective and delivered in a comprehensive, unified way across government; and to lead a coordinated, systematic response to domestic violence through engagement and consultation with community stakeholders, law enforcement agencies and other ministries.
- Prince Edward Island's Premier's Action Committee on Family Violence Prevention :
  - coordinates the implementation of the provincial *Family Violence Prevention Strategy*;
  - ensures integrity of community participation;
  - promotes the importance of resource allocations to implement the strategy; and
  - ensures a high public profile for family violence prevention is maintained.
- The Government of the Northwest Territories' *What Will it Take?* Campaign is aimed at shifting attitudes and beliefs that lead to and perpetuate family violence. A partnership between the Government and the FOXY (Fostering Open Expression among Youth) and SMASH (Strength, Masculinities, And Sexual Health) programs ensures campaign messaging is delivered to a youth audience across the territory.

National Inquiry into Missing and Murdered Indigenous Women and Girls

50. The National Inquiry into Missing and Murdered Indigenous Women and Girls was established on September 1, 2016, led by an independent Commission with a mandate to inquire into and report on:

- the systemic causes of all forms of violence, including sexual violence, against Indigenous women and girls, including underlying social, economic, cultural, institutional and historical causes; and

- institutional policies and practices implemented in response to violence experienced by Indigenous women and girls, including identification and examination of practices that have been effective in reducing violence and increasing safety.

51. The Commission was also directed to make recommendations for concrete action to remove systemic causes of violence and increase the safety of Indigenous women and girls in Canada, and ways to honour and commemorate the missing and murdered Indigenous women and girls.

52. Throughout the Inquiry, survivors, families, loved ones, grassroots women's organizations and National Indigenous Organizations are being provided with opportunities during community visits and family hearings to share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Canada.

53. The Government of Canada will work with provinces and territories to determine the most effective ways to take action on the Commission's final recommendations. To support this work, a governance structure involving provinces and territories as well as other implicated partners has been established.

54. The Government of Canada, through the *Federal Victims Strategy*, is increasing access to information and specialized assistance for families of missing or murdered Indigenous women and girls through the development of Family Information Liaison Units and community based services and supports.

3) Equality, diversity and inclusion

55. All governments recognize the importance of addressing racism, discrimination and actions motivated by hate and that a number of challenges still remain.

Racial and religious minorities

56. Relevant initiatives adopted by governments include:

- The Land Titles Clarification Project that helps African Nova Scotian residents get clear title to their land.
- Legislative measures, such as Ontario's *Anti-Racism Act, 2017*, British Columbia's *Multiculturalism Act* and the *Canadian Multiculturalism Act*.
- The Government of Ontario's *Anti-Racism Strategic Plan* aims to:
    - Reduce disparities and disproportionalities affecting Indigenous and racialized people in government policies, programs and services;
    - Increase public awareness and understanding of systemic racism; and
    - Strengthen relationships with Indigenous and racialized communities through community collaboration.

- The Government of Québec's Immigration, Participation and Inclusion Action Strategy, *Together, We are Québec*, recognizes that discrimination and racism are obstacles to the full participation of Quebecers from all origins and to the building of welcoming and inclusive communities. The 2016-2021 Strategy for Action includes approximately 30 means of action that contribute to the prevention of these phenomena, in particular through awareness-raising and training about human rights and freedoms with a variety of audiences.

- Government of Canada's Multiculturalism Funding Program supports projects that encourage positive interaction between cultural, religious and ethnic communities in Canada.

- Beginning in October 2016, the Government of Canada reconstituted the independent Judicial Advisory Committees (JACs) in each province and territory that recommend candidates for federal judicial appointment, taking into account the diversity of Canadian society. Membership of JACs is now marked by greater gender balance and diversity than before. Since that time, of 74 judges appointed, 37 were women, 3 self-identified as Indigenous, 9 as a visible minority, 15 as members of an ethnic/cultural group, 1 as a person with a disability, and 4 as LGBTQ2.

57. Measures adopted by governments to address discrimination based on religion include:

- Initiatives to address and prevent antisemitism and Islamophobia are included in Ontario's *Anti-Racism Strategic Plan*. Consultation Groups and sub-committees on antisemitism and Islamophobia provide Jewish and Muslim community leaders a voice to engage with government and guide the implementation of the plan.

- Neutrality and religious diversity are part of Québec's policy *Together, We are Québec* and its action plan 2016-2021.

- The Government of Alberta provides support to increase organizational capacity to address or report Islamophobia.

- The Government of Canada's Communities at Risk: Security Infrastructure Program provides funding to assist communities at risk from hate-motivated crime enhance their security infrastructure.

Refugees and migrants

58. Canada's framework of inclusive laws and policies underpins a whole of society approach to migration that supports immigrant participation in our economic, political, social and cultural life, and includes a pathway to Canadian citizenship. Legislation ensures national commitment and allows for meaningful investment in support of migrants and receiving communities.

59. Recent program enhancements to reduce migrant vulnerabilities and support gender equality include: changing the minimum age of a recognized spouse in all immigration programs; eliminating conditional permanent residence to address concerns about vulnerable sponsored spouses; and improvements to the caregiver program, such as removing the live-in requirement.

60. Canadian laws protect the rights of workers in Canada, including temporary foreign workers. The Government of Canada plans to enhance protections under the Temporary Foreign Worker Program and the International Mobility Program. The Government will work with community organizations to ensure that foreign workers are aware of their rights, and will implement a strategic employer compliance regime.

61. Canada remains committed to providing protection to refugees. In 2016, Canada delivered Operation Syrian Refugee, managed a continued increase in the number of asylum claimants in Canada, and fully restored the Interim Federal Health Program. Canada is currently conducting an independent review of its refugee determination system to identify potential approaches for increased efficiency and productivity when processing asylum claims.

62. Canada's Settlement Program funds partnerships with over 500 third-party organizations across Canada that deliver settlement programming. These organizations assist immigrants and refugees to overcome barriers, receive language training, find employment and establish themselves and their families in Canada. Other orders of government provide complementary integration programs in education, health, and labour market access.

LGBTQ2

63. The Prime Minister appointed a Member of Parliament as his Special Advisor on LGBTQ2 issues in November 2016, whose role includes working with LGBTQ2 organizations to promote equality for LGBTQ2 communities, protect the rights of its members, and address discrimination against them.

64. The Prime Minister issued a formal apology in the House of Commons to individuals harmed by federal legislation, policies and practices that led to the oppression of and discrimination against LGBTQ2 people in Canada. The Prime Minister apologized for the historical unjust treatment of LGBTQ2 public servants, including those in the Canadian Armed Forces, and of LGBTQ2 Indigenous Peoples. As part of addressing historical wrongs, the Government of Canada introduced legislation to establish a process to permanently destroy the records of convictions for offences involving consensual sexual activity between same-sex partners that would be lawful today. In addition, the Government of Canada introduced legislation to eliminate section 159 of the *Criminal Code* that pertains to anal intercourse and has been used to criminalize homosexuality.

65. All governments have either enacted or introduced amendments to include gender identity and (in most jurisdictions) gender expression as prohibited grounds of discrimination in their anti-discrimination legislation. In addition, in 2017, Parliament amended the *Criminal Code* to protect against hate propaganda and hate crimes on the basis of gender identity or expression.

66. Governments are also making changes to how they collect, use and display sex and gender information to reduce the risk of trans and non-binary people facing harassment or discrimination. For example:

- Québec's *Loi modifiant le Code civil en matière d'état civil, de successions et de publicité des droits*, Newfoundland and Labrador's *Vital Statistics Act, 2009*, and Yukon's *Vital Statistics Act*, allow persons to change the designation of sex on their birth certificate without requiring sex reassignment surgery.

- Under Ontario's 2017 policy on gender and sex information on government forms and IDs, gender identity will be the default information on government forms and IDs. When gender identity information is displayed on an ID, customers will have the option to choose male 'M'; female 'F', or 'X' which includes Trans, Non-Binary, Two-Spirit, and Binary people and people who don't want to disclose their gender identity.

- Federally, as of 2015, supporting documentation is no longer required for anyone requesting a change to their gender designation in the Social Insurance Register. Providing sex/gender information is optional, and three options are allowed (male/female/3rd option) for any sex/gender question. Since August 2017, passports, citizenship and immigration documents may include an indication that sex should read as "X" or unspecified.

67. Another notable initiative is Alberta's legislation to support students to create or join gay-straight alliances in schools.

68. The Government of Québec has adopted the *Plan d'action gouvernemental de lutte contre l'homophobie et la transphobie 2017-2022 : Pour un Québec riche de sa diversité*. This plan aims to promote respect for the rights of sexual minorities and to increase public awareness of their realities. Special attention is given to the most vulnerable groups such as youth, seniors, trans people and Indigenous people, as well as to those in regions and settings with fewer resources.

Persons with disabilities

69. Measures adopted by FPT governments focus on issues such as labour market participation, income security, education, skills development, social inclusion, legal capacity, accessibility and tax relief.

70. Accessibility legislation is in place in Québec, Ontario, Manitoba and Nova Scotia. The Government of Canada is developing federal-level accessibility legislation.

Children

71. In June 2017, a new Multilateral Early Learning and Child Care (ELCC) Framework was announced that builds on existing PT investments in ELCC, and prioritizes investments in regulated ELCC programs and services for children under age six and families in need. The Framework enables agreements with provinces and territories to address unique jurisdictional needs and provide associated funding. A separate, complementary Indigenous ELCC framework is being co-developed between the federal government and Indigenous People to reflect the unique cultural needs of Indigenous children across Canada.

72. FPT governments provide child benefits and tax credits to support the cost of raising children under the age of 18. For example, the federal Canada Child Benefit is a tax-free monthly payment to eligible families, where lower-income families receive the maximum benefit.

73. PT governments have adopted frameworks to enhance access to early learning and child care programs and services. For example, further to its 2016 report, *Affordable, Quality Child Care: A Great Place to Grow!*, Nova Scotia is making child care more affordable through higher subsidy rates and addressing historically low wages for early childhood educators. Measures include

greater assistance for lower income families and greater support for children with special needs. Québec launched the *Tout pour nos enfants* strategy, which aims to support the educational pathway for children aged 0 to 8.

74. Governments are also working to protect children from sexual exploitation and cyberbullying.

75. In July 2015, the *Tougher Penalties for Child Predators Act* amended the *Criminal Code,* including by increasing and imposing new mandatory minimum penalties for child sexual offences.

76. As of March 2015, the *Protecting Canadians from Online Crime Act* created an offence prohibiting the non-consensual distribution of intimate images to address aspects of cyberbullying that were not otherwise covered by Canada's criminal law. The Act also empowered the courts to order the removal of intimate images from the Internet and modernized investigative powers.

77. Bullying and cyberbullying are also addressed through PT education policies. For example, in Yukon, The *Safe and Caring Schools Policy* reflects the commitment of the school community to plan, strategize and create a respectful, safe and nurturing educational environment for everyone. Under the policy, cyberbullying is specified as: "threats or harmful and demeaning text messages, photos or videos distributed or published to the internet". In Québec, the *Plan d'action concerté pour prévenir et contrer l'intimidation 2015-2018 Ensemble contre l'intimidation, une responsabilité partagée* gives concrete expression to Québec's commitment to countering bullying in different environments for people of all ages.

Youth

78. The Prime Minister's Youth Council, established in 2016, includes young Canadians, representing each province and territory, who provide non-partisan advice to the Prime Minister and the Government of Canada on issues of importance to them. In addition, the federal government is working with Canadian youth to develop Canada's first youth policy.

79. Governments across Canada have adopted initiatives, such as the federal Youth Employment Strategy, to help youth gain the skills, job experience and abilities they need to make a successful transition to the workplace.

80. Many PT governments have adopted measures to support youth who leave government care. For example, the Government of British Columbia covers living expenses while they finish high school, or attend post-secondary training or rehabilitative programs. Other resources include AgedOut.com, an online resource and learning platform; the Youth Educational Assistance Fund; and programs to link youth with other services such as financial supports, employment services, therapeutic and addictions programs. Alberta's Advancing Futures Bursary Program provides social and emotional supports for youth transitioning out of care and supports their educational goals as a means of obtaining meaningful employment.

Older persons

81. In 2016, the FPT Ministers Responsible for Seniors Forum developed the Social Isolation of Seniors Toolkit. FPT Ministers also identified the social inclusion of seniors as a priority and directed officials to do further work to respond to the needs of three specific communities of seniors at

high risk of being socially isolated: recent immigrant and refugee seniors, Indigenous seniors, and LGBTQ2 seniors.

82. Some provinces have established specific government offices that focus on issues relevant for seniors, such as:

- Ontario's Ministry of Seniors Affairs' initiatives include:
  - Investing in elder abuse prevention and awareness initiatives, including Ontario's *Elder Abuse Strategy*; and
  - Regulating care provided to seniors in licensed retirement homes.
- British Columbia and Alberta each established an Office of the Seniors Advocate to monitor and analyze seniors' services and issues, and make recommendations to government and service providers to address systemic issues.

83. Policy initiatives adopted by governments include:

- *We Are All in This Together: An Aging Strategy for New Brunswick*, adopted in 2017, focuses on: fostering healthy aging and support for seniors; improving access to primary and acute care; promoting wellness; supporting people with mental health challenges; advancing women's equality; reducing poverty; and supporting people with disabilities.

84. Governments also have initiatives to combat elder abuse, including:

- *Addressing Elder Abuse in Alberta: A Strategy for Collective Action* provides overall context for government initiatives to prevent and address elder abuse and improve supports for older adults affected by abuse.
- Key components of Manitoba's *Elder Abuse Strategy* include: an Elder Abuse Consultant; a 24-hour Seniors Abuse Support Line; community/regional prevention strategies; education, awareness and training; and funded partnerships with senior-serving organizations that provide direct services.
- In Québec, the *2017-2022 Government Action Plan to Counter Elder Abuse* has four main objectives:
  - prevent mistreatment and promote proper treatment;
  - encourage early detection and appropriate interventions;
  - encourage and facilitate reporting of mistreatment, particularly material and financial abuse; and
  - increase knowledge acquisition and knowledge transfer.

4) Public security

National security

85. Bill C-59, the *National Security Act, 2017*, was tabled in Parliament on June 20, 2017. With the proposed legislation and other measures, the Government of Canada is:

- enhancing accountability and transparency through a proposed National Security and Intelligence Review Agency, an Intelligence Commissioner, and a six-point commitment to national security transparency;
- addressing the problematic elements of the *Anti-terrorism Act, 2015* (former Bill C-51), through revisions to threat reduction activities under the *Canadian Security Intelligence Service Act*, amendments to the *Criminal Code*, and improvements to the *Secure Air Travel Act* and the *Security of Canada Information Sharing Act*; and
- strengthening security and protecting rights by proposing updates to keep pace with evolving threats through measures such as modernizing the *Canadian Security Intelligence Service Act*, establishing the *Communications Security Establishment Act*, and making other legislative updates.

Crime prevention and criminal justice system

86. The Government of Canada is undertaking a broad review of Canada's criminal justice system to ensure that it is just, compassionate and fair. The review will address a number of important issues, including ensuring consistency with the Charter and reducing the over-representation of vulnerable populations. Since May 2016, the Government has been holding a series of roundtables with stakeholders across the country on how to transform the criminal justice system.

Over-representation of Indigenous Peoples and minority groups in the criminal justice system

87. Strategies to counteract the over-representation of Indigenous youth in the youth criminal justice system include legislation, culturally-appropriate programming, and measures to address socio-economic disadvantage. For example, the Youth Justice Fund and the Indigenous Justice Program supports pilot projects and community-based justice programs, such as the creation of a culturally appropriate mentorship program for Indigenous female youth involved in the criminal justice system in Winnipeg.

88. Measures adopted by PT governments focus on crime prevention, alternatives to detention and rehabilitation. For example:

- The Government of Nova Scotia supports the Mi'kmaq Legal Support Network, which runs an Aboriginal court worker program and customary law program aimed at better meeting the needs of Indigenous people involved in the criminal justice system, and also supports other community justice societies to embed restorative justice as an alternative to the criminal justice system.

- In Alberta, Youth Justice Committees, many of which operate in Indigenous communities, help divert Indigenous youth from the criminal court system via extrajudicial sanctions. At the request of the court, these committees may conduct a circle process in the community with the young person and family, the victim, elders and others to provide sentencing recommendations.

- Through the *Ontario Black Youth Action Plan*, the government is increasing opportunities for Black children, youth and families through a suite of program investments to help eliminate systemic, race-based disparities for Black children and youth in schooling, postsecondary education, and employment as well as those in conflict with the law.

Administrative segregation

89. Administrative segregation is a legislative measure of last resort available to the Correctional Service of Canada to ensure the safety of staff, visitors and inmates and to maintain the security of its penitentiaries.

90. In June 2017, the federal government introduced Bill C-56 to reform administrative segregation. It created a presumptive time limit of 15 days for detaining inmates in administrative segregation, effective 18 months after the coming in to force date (and a limit of 21 days prior to that date), as well as an independent external review of cases of inmates detained beyond the presumptive release date, maintained in administrative segregation for a cumulative total of at least 90 days, or on at least four separate occasions within the same calendar year.

91. In August 2017, the federal policy on administrative segregation was updated to prohibit its use for inmates with serious mental illness with significant impairments; inmates who are certified in accordance with relevant provincial/territorial mental health legislation; and those who are actively engaging in self-injury that is deemed likely to result in serious bodily harm or who are at an elevated or imminent risk of suicide. Pregnant inmates, inmates with significant mobility impairment, and inmates in palliative care are no longer admissible to administrative segregation, unless exceptional circumstances exist.

Policing

92. There are many measures in place to govern the use of force by police in Canada. Police officers are provided training and guided by policies that are consistent with the Charter, the *Criminal Code* of Canada, and case law resulting from court decisions regarding the reasonableness of force used by the police.

93. Measures in place with respect to the Royal Canadian Mounted Police (RCMP) include:

- The National Use of Force Unit conducts annual reviews of the RCMP's use of force policies through a consultative process as well as research to make informed evidence based decisions in the area of use of force.

- The RCMP Incident Management Intervention Model Policy, last updated in October 2014, provides training to assist officers with the risk assessment process and with identifying an intervention option that is reasonable given the totality of a situation.

- Crisis Intervention and De-escalation Training, mandatory for all regular members of the RCMP, assists officers in using crisis intervention and de-escalation techniques to effectively deal with crisis situations.

94. Provincial and municipal policing is similarly guided by policies and regulations on the use of force. Use of force and de-escalation are also addressed in training of police officers.

95. With respect to potential racial profiling, the RCMP bias-free policy is based on the Charter, the *Canadian Human Rights Act*, the RCMP Act, RCMP regulations and guidelines. Cultural awareness training is integrated with concepts of human rights, harassment, discrimination, ethics and bias-free policing as part of the RCMP Cadet Training Program. Several RCMP divisions have also developed their own cultural competency training to enhance cultural understanding and respect in the communities they serve.

96. Measures are also being undertaken by provincial governments to address the issue of racial profiling.

97. In Ontario, a regulation banning arbitrary street checks started on January 1, 2017, and applies when the collection of identifying information is conducted in a face-to-face interaction. Officers must inform the person of their right to not provide identifying information and why the information is being collected, and it cannot be based on race or solely because that individual is in a high-crime location.

5) Economic and social rights and well-being

98. FPT governments recognize the importance of economic security and well-being for all Canadians, and have taken a number of joint and independent initiatives to progressively realise economic and social rights.

Poverty reduction

99. Poverty reduction is an area of shared jurisdiction in Canada. Certain jurisdictions (i.e., Ontario, Québec, Manitoba, New Brunswick, and Nunavut) have implemented poverty reduction legislation.

100. Several provinces, territories and municipalities have stand-alone poverty reduction strategies administered by their respective governments, and in some cases, mandated by their poverty reduction legislation.

101. These strategies share common goals of reducing poverty through increased income and employment supports, addressing housing needs and homelessness, improving educational outcomes, supports for health and well-being and accessible co-ordinated services. Examples of other objectives include promoting respect for and protecting the dignity of those living in poverty and fighting against prejudice towards them as found in the Government of Québec's *National Strategy to Combat Poverty and Social Exclusion*.

102. Strategies target population groups most vulnerable to poverty. For example, Ontario's strategy – *Realizing our Potential* – has a special focus on children and youth, recent immigrants, persons

with disabilities, female lone parents and unattached individuals aged 45 to 64 and Indigenous people living off-reserve.

103. The Government of Canada is developing a Canadian Poverty Reduction Strategy. To ensure that the federal strategy reflects the diversity of needs and approaches throughout the country, the government has:

- Released a What We Heard Report after extensive consultations with Indigenous organizations, businesses, community organizations, academic experts, and Canadians who have experience with poverty; and
- Established a Ministerial Advisory Committee on Poverty as a forum for information sharing and independent discussion on poverty reduction, bringing together community leaders, academic experts, poverty reduction practitioners, and individuals who have experienced poverty.

Housing and homelessness

104. Canada's first *National Housing Strategy* was released by the Government of Canada in November 2017. It prioritizes housing for those in greatest need, including vulnerable populations, such as: survivors fleeing family violence; Indigenous Peoples; seniors: people with disabilities; those dealing with mental health and addiction; veterans; and young adults.

105. The Strategy addresses community and affordable housing; Indigenous and northern housing; and sustainable housing and communities; and includes:

- new legislation promoting a human rights-based approach to housing;
- a Federal Housing Advocate to recommend solutions to systemic barriers;
- a National Housing Council with diverse participants, including people with lived experience to provide input on housing policy, programs and research;
- a Community-Based Tenant Initiative to fund local organizations that assist people in housing need;
- advancing distinctions-based Indigenous housing solutions;
- a public engagement campaign to reduce discrimination and stigma of different housing types; and
- gender and intersectionality-based analysis.

106. The Government of Canada's *Homelessness Partnering Strategy* provides financial support to designated communities and Indigenous, rural and remote communities across Canada to prevent and reduce homelessness.

107. Addressing housing needs and homelessness are key components of PT poverty reduction strategies. Some governments, such as Alberta and Yukon, have also adopted housing strategies aimed at increasing the supply and condition of affordable housing. Other measures include Nova Scotia's down payment assistance, which provides interest-free loans.

108. Specific PT homelessness strategies include:

- *A Plan for Alberta: Ending Homelessness in 10 years* adopts a Housing First approach and focusses on providing permanent housing along with support services.

- Alberta's *Supporting Health and Successful Transitions to Adulthood: A Plan to Prevent and Reduce Youth Homelessness* adopts a "Family First" approach, under which, where possible, family reunification and a connection to a stable nurturing adult is ensured.

- The Yukon government contributed, along with Kwanlin Dun First Nation, Ta'an Kwach'an Council and the City of Whitehorse (Yukon's capital), to develop a *Safe at Home* plan to end homelessness in Whitehorse, which is based on the Housing First approach. The plan aims to increase the supply of safe, affordable and appropriate housing along the housing continuum based on the most immediate housing needs, support innovative ways to provide a variety of sustainable housing options and ensure safe and appropriate shelter services.

Food security

109. The Government of Canada is developing *A Food Policy for Canada* to enable a whole-of-government approach to food-related issues. Two of the themes on which the policy consultations were based were increasing access to safe and nutritious food, and improving health and food safety. These themes have particularly significant implications for vulnerable segments of the Canadian population, including Canadians living in poverty, Indigenous Peoples, and those living in remote and Northern communities, who may be at a higher risk of food insecurity and food related chronic illnesses.

110. Food security is often addressed in existing provincial and territorial poverty reduction strategies. For example, priority actions under New Brunswick's *Overcoming Poverty Together* strategy (2014-2019) focus on community-based initiatives related to food preparation, food safety and access to healthy food, transition of food banks to community-based food centres, availability of nutritional food and food management and coordination in emergency food programs, and community based breakfast programs in public schools.

111. Examples of additional measures include British Columbia's *Community Food Action Initiative*, which supports regional health authorities to fund community action plans that support local food access and food security, and the Farmers' Market Nutrition Coupon Program, which provides subsidies in the form of coupons to low-income pregnant women, families with children and seniors to buy select provincially-produced foods at local farmers' markets.

Education

112. Provincial and territorial governments are taking action to increase student achievement. Some governments include education support and student achievement initiatives in their poverty reduction strategies. Other related initiatives include:

- Manitoba's K-12 Framework for Continuous Improvement analyzes student achievement data, identifies benchmarks and targets and monitors progress toward increased results in literacy and numeracy; and

- Nova Scotia's Council to Improve Classroom Conditions focusses on reducing demands on teachers' time that limit their ability to support student learning.

Health

113. Provincial and territorial governments have adopted initiatives and identified priorities for enhancing access to health care. These include:

    - Newfoundland and Labrador's *Chronic Disease Action Plan* that focusses on prevention, self-management, treatment and care.

    - Prince Edward Island's focus on women's wellness, particularly specialized care for reproductive and sexual health.

114. In 2017, the Government of Canada confirmed targeted investments over ten years to provinces and territories to improve home care and mental health services, as well as investments over five years to federal and pan-Canadian health organizations to support health innovation and pharmaceutical initiatives. As of August 2017, all provinces and territories have accepted their share of the federal funding to improve home care and mental health services. A *Common Statement of Principles on Shared Health Priorities* outlines priorities for federal investments in mental health and addictions, and home and community care.

Mental health

115. All PT governments have mental health and addiction strategies. For example:

    - Québec's *2015-2020 Mental Health Action Plan - Faire ensemble et autrement* relies on integrated, social, mental health and physical health services to improve the health of service users and their families and that of organizational and clinical practices.

    - *Mind And Spirit: Promoting Mental Health And Addictions Recovery In The Northwest Territories, Strategic Framework 2016-2021* focusses on prevention and early intervention; a recovery-oriented system; and personal experience and outcomes. It sets the stage for the development of three specific action plans: Child and Youth Mental Wellness; Addictions Recovery; and Mental Health Services.

    - Prevention, early detection and treatment are central to the *Action Plan for Mental Health in New Brunswick* 2011-18. The goals of the plan include an emphasis on mental-health promotion, change in service delivery of all sectors, early identification and effective intervention, and a shift in the attitudes and values of residents.

116. The Mental Health Commission of Canada's report, *Changing Directions, Changing Lives*, provides recommendations for action by PT governments and non-governmental organizations.

6) Advancing respect for human rights internationally

International assistance

117. Canada's Feminist International Assistance Policy recognizes that gender equality and the empowerment of women and girls is the most effective way to reduce extreme poverty and build a more peaceful, inclusive and prosperous world. Canada provides international assistance that is human rights-based and inclusive through six action areas: Gender Equality and the Empowerment of Women and Girls; Human Dignity; Growth that Works for Everyone; Environment and Climate Action; Inclusive Governance; and Peace and Security.

Corporate social responsibility

118. Initiatives announced on January 17, 2018, will strengthen Canada's approach to responsible business conduct for Canadian companies doing business and operating abroad. The independent Canadian Ombudsperson for Responsible Enterprise (CORE) will investigate allegations of human rights abuses linked to Canadian corporate activity abroad and will assist wherever possible in collaboratively resolving disputes or conflicts between impacted communities and Canadian companies. It will independently investigate, report, recommend remedy and monitor its implementation. A multi-stakeholder Advisory Body will advise the Government and the CORE on responsible business conduct abroad.